

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL PICARD, :  
Plaintiff, :  
-v- :  
DARCEL D. CLARK, in her official : 19cv3059 (DLC)  
capacity as District Attorney for :  
Bronx County and MICHAEL MAGLIANO, in : ORDER  
his official capacity as Chief of :  
Public Safety for the New York Unified :  
Court System, :  
Defendants. :  
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DENISE COTE, District Judge:

On August 14, 2020, this Court issued a final judgment finding N.Y. Penal Law § 215.50(7) unconstitutional on its face, and enjoining the defendants from enforcing it. Under Section 215.50(7), a person is guilty of a crime when

On or along a public street or sidewalk within a radius of two hundred feet of any building established as a courthouse, he calls aloud, shouts, holds or displays placards or signs containing written or printed matter, concerning the conduct of a trial being held in such courthouse or the character of the court or jury engaged in such trial or calling for or demanding any specified action or determination by such court or jury in connection with such trial.

On August 17, 2022, the United States Court of Appeals for the Second Circuit vacated the final judgment, and remanded the case to this Court to "craft a narrower injunction prohibiting the application of NYPL § 215.50(7) only in the circumstances

presented by Picard's conduct in this case." Picard v. Magliano, 42 F.4th 89, 107 (2d Cir. 2022). Accordingly, it is hereby

ORDERED that the parties shall confer and by **September 23, 2022** submit a proposed injunction. If the parties have not agreed to a proposed injunction by that date, the parties shall submit letters setting forth their proposed injunction, as well as their position on an injunction prohibiting the enforcement of N.Y. Penal Law § 215.50(7) against any individual engaging in advocacy that is not intrusive or disruptive and that is unconnected to any specific trial. Id. at 106.

IT IS FURTHER ORDERED that any response to an adversary's September 23 submission is due **September 30**.

SO ORDERED:

Dated: New York, New York  
August 18, 2022



DENISE COTE

United States District Judge